

Message Text

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ACTION L-03

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FM AMEMBASSY ROME

TO SECSTATE WASHDC IMMEDIATE 4360

DEA HQ WASHDC

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E.O. 11652: N/A

TAGS: SNAR, CGEN, IT

SUBJECT: REQUEST TO TAKE DEPOSITION FROM ITALIAN PRISONER GERARDO
ARCANO

REF: (A) STATE 258735 (B) 271198; (C) ROME 16942 (D) 16697

1. NOVEMBER 19 & 20 CONSULAR REPRESENTATIVES CONFERRED WITH VARIOUS ITALIAN OFFICIALS TO DETERMINE AND EXPEDITE STEPS REQUIRED IN OBTAINING PERMISSION U.S. COURT TO TAKE ARCANO'S DEPOSITION IN ROSSI CASE. AS RESULT THESE DISCUSSIONS, ON 20 NOEMBER DURING PERSONAL INTERVIEW, DR. VESSICHELLI, ONE OF TWO DEPUTIES TO THE PROCURA DELLA REPUBBLICA C/O TRIBUNAL OF ROME (DISTRICT ATTORNEY) ADVISED THAT HIS OFFICE WOULD WILLING COOPERATE IN FACILITATING THE TAKING OF SUCH DEPOSITION.

2. IN REPLY TO HIS QUESTION DR. VESSICHELLI WAS ADVISED THAT OUR REQUEST WAS MADE IN CONFORMITY WITH ARTICLE 5 (J) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS APRIL 24, 1963 AND HE WAS SHOWN A COPY. IT WAS EXPLAINED AND HE AGREED THAT ALTHOUGH THE CONVENTION DID NOT SPECIFICALLY MENTION DEPOSITIONS, IT WAS FELT THAT GRANTING PERMISSION FOR USCH DEPOSITION WAS DISCRETIONARY. HE WAS SATISFIED AND STATED THAT PREPARATORY TO OUR VISIT HE HAD DISCUSSED MATTER WITH THE ROME GENERAL DISTRICT ATTORNEY'S OFFICE. HE SUGGESTED THE MATTER BE TAKEN UP PERSONALLY WITH ONE
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DR. BARABIERI OF THAT OFFICE. DISCUSSION WITH DR. BARBIERI WAS

VERY CORDIAL. HE EXPLAINED AS HAD DR. VESSICHELLI, THAT IN THEIR OPINION THERE WAS NO NEED FOR THE EMBASSY TO MAKE SEPARATE REQUESTS OF THE VARIOUS JUDGES MENTIONED IN ROME'S REFERENCED TELEGRAMS, BUT THAT A SINGLE REQUEST TO IL SIGNORE PROCURATORE GENERALE, C/O CORTE D'APPELLO, ROME (ROME GENERAL DISTRICT ATTORNEY) WOULD SUFFICE. OF COURSE ALL DATA REQUESTED IN ROME TELEGRAM 16942 PARAGRAPH 3 WOULD HAVE TO BE INCLUDED IN SAID LETTER.

3. IMPRESSION GAINED FROM VARIOUS DISCUSSIONS AND PERSONAL INTERVIEWS WITH ALL ITALIAN OFFICIALS DEALT WITH WAS THAT IF INFORMATION REQUESTED ROME 116942 PARAGRAPH 3 IS SET FORTH IN LETTER FROM THE US CONSUL TO THE PROCURATORE GENERALE A FAVORABLE RESPONSE COULD BE EXPECTED.

4. BECAUSE OF UNAVOIDABLE DELAYS AND UNFORSEEN OBSTACLES WHICH MIGHT ARISE IT IS SUGGESTED THAT IF DEPARTMENT IS OF OPINION THAT WRITTEN REQUEST SHOULD BE MADE TO THE PROCURATORE GENERALE THEN INFORMATION TO BE INCORPORATED IN THE CONSULAR LETTER SHOULD BE SUBMITTED TO EMBASSY AS SOON AS POSSIBLE. BEAUDRY

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